

## **REMARKS**

### **I. Introduction**

Claims 2 to 10, 12 to 17, 27 and 31 are currently pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

As an initial matter, Applicants once again respectfully request acknowledgment of the claim for foreign priority and an acknowledgment that the certified copy of the priority application was received in the parent application, i.e., U.S. Patent Application Serial No. 09/971,504.

### **II. Rejection of Claims 2 to 10, 12 to 17, 27 and 31 Under 35 U.S.C. § 112, 1<sup>st</sup> ¶**

Claims 2 to 10, 12 to 17, 27 and 31 were rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the enablement requirement. While Applicants do not necessarily agree with the merits of the present rejection, claims 10, 17 and 31 have been amended herein without prejudice to clarify that the corrosion protective coating composition set forth in these claims is for a braking surface of at least one of a brake disk and a brake drum. Applicants respectfully submit that one reasonably skilled in the art could make and use the claimed subject matter based on the description included in the present application coupled with information known in the art without undue experimentation, which is all that is required for compliance with the enablement requirement of the first paragraph of 35 U.S.C. § 112. Accordingly, withdrawal of this rejection is respectfully requested.

### **III. Rejections of Claims 2 to 10, 12 to 17, 27 and 31 Under 35 U.S.C. § 112, 2<sup>nd</sup> ¶**

Claims 2 to 10, 12 to 17, 27 and 31 were rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite. As indicated above, claims 10, 17 and 31 have been amended herein without prejudice to clarify that the corrosion protective coating composition set forth in these claims is for a braking surface of at least one of a brake disk and a brake drum. As such, it is respectfully submitted that the present claims sufficiently set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity, which is all that is required for

compliance with the definiteness requirement of the second paragraph of 35 U.S.C. § 112. Accordingly, withdrawal of this rejection is respectfully requested.

**IV. Conclusion**

Applicants respectfully submit that all of the pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

Dated: February 16, 2006 By: Clifford A. Ulrich  
Clifford A. Ulrich  
Reg. No. 42,194

KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 425-7200  
**CUSTOMER NO. 26646**